



# Law Enforcement & Community & Race Relations Forum

June 29, 2020

# TOPICS

- Law Enforcement Advisory Board (LEAB)
- Use of Force (UOF)
- Federal 1033 Surplus Program
- Current Hiring/Training Practices



# LAW ENFORCEMENT ADVISORY BOARD

In 2005, Kansas Legislature enacted legislation addressing the subject of racial and other profiling. This legislation required the following:

- Establish governor's task force on racial profiling
- Unlawful for any LEO or police agency to engage in racial profiling
- Precluded race, ethnicity, national origin, gender or religious dress to be sole factor in determining probable cause for arrest
- Required all Kansas law enforcement agencies to adopt a detailed written policy to preempt racial profiling
- Provided direction for complaints regarding racial profiling

Chief James Hill Addressed These Requirements



# ADDITIONAL LEGISLATURE REQUIREMENTS

In addition, the following was included in this legislation:

*“For law enforcement agencies of cities of the first class, establishment or use of current independent citizen advisory boards which include participants who reflect the racial and ethnic community, to advise and assist in policy development, education and community outreach and communications related to racial profiling by law enforcement officers and agencies.”*

(KSA 22-4610) (c)(3)

Chief Hill created the LEAB and the Mission Statement mirrored verbiage found in the above legislation.



Current LEAB members: L to R: Joel Wimer, Millie Moye, Vanessa Burns, Robert Cunningham, Not pictured, Bridget Weiser

# LEAB'S SCOPE OF WORK

- Advisory to the chief of police or Saline County sheriff
- Recommendations are non-binding (similar to cities Discipline Advisory Board)
- Review/develop/recommend policies as it relates to the prohibition of racial profiling
- Provide information for appropriate contact and procedures for filing a complaint

*“As currently structured and to the extent it functions consistently with its bylaws, the board is not subject to the Kansas open meetings act.”*

*Greg Bengtson, Legal Counsel to the City of Salina. June 26, 2020*

Chief Hill obtained the same opinion from Legal Counsel to the City of Salina in 2007.  
Source: Police Advisory Committee Minutes, May 10, 2007

# OPTIONS AVAILABLE

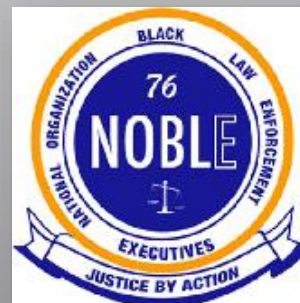
- Continue LEAB as have since 2007. Status Quo
- By Commission Action, recognize and approve LEAB as a city board
- Evaluate our peer communities regarding their review of citizen complaints
- Consider the formation of a Citizens Review Board (CRB). AKA Civilian Oversight Boards thereby abolishing the LEAB



# THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES - CALEA

Created in 1979 as a credentialing authority through the joint efforts of law enforcement's major executive associations:

- International Association of Chiefs of Police (IACP)
- National Organization of Black Law Enforcement Executives (NOBLE)
- National Sheriffs' Association (NSA)
- Police Executive Research Forum (PERF)



# Use of force - UOF

- Our present use of force policy has been in place for over 25 years
- Our UOF policy is 13 pages long and is *ever evolving*
- Accredited by CALEA and on our own initiative, an outside law group.

In 2019 there were 2277 arrests made by Salina Police Officers

Of these 2277 arrests, force options were used 167 times. This constitutes force being used in 7% of these *arrests*.

It is imperative that the majority of these uses of forces are a RESPONSE to actions by the suspect(s). You're under arrest...

In 2019, we contacted 45,022 citizens regarding calls for service, including self initiated. These 167 uses of force during an arrest represents force being used in 0.37% of these contacts.





# 8 Can't Wait - A project by Campaign Zero



*“Research shows more restrictive use of force policies can reduce killings by police and save lives. Tell your city to adopt all of these policies.”*

[8cantwait.org](http://8cantwait.org)

# SPD General Order 02102 – Use of Force



*Chokeholds or neck restraints, with or without a device that restricts a person's airway are prohibited. Section 1.6*



*De-escalation of force is moving to a lesser force option on the use of force continuum. Officers shall de-escalate force at the earliest opportunity to do so safely. Section 1.3*



*Where feasible, the officer should identify himself and give warning of the intent to use deadly physical force. Section 2.4*

# SPD General Order 02102 – Use of Force



*Only the amount of force that is reasonable and necessary to accomplish a lawful police objective shall be applied, and the use of force shall cease immediately upon accomplishment of the police objective. Policy Description*



*Each and every member of the Department is charged with the responsibility to monitor and control the use of force during operations involving multiple officers. Supervisory and non-supervisory personnel alike will be held strictly accountable to intervene, halt and report any use of force perceived to be excessive. Section 7.1*



*An officer is **NOT JUSTIFIED** in discharging a firearm under the following circumstances:*

*To fire at or from a moving vehicle **unless** the occupant(s) of the vehicle represent an imminent threat to the life of the officer or others, and then it shall be done only as a last resort.*

*Section 2.6 & 2.6.3.*



# SPD General Order 02102 – Use of Force



*We have used a force continuum since the early 1990's. The Kansas Law Enforcement Training Center provides use of force continuum training during the 14- week basic training academy. The police department reviews the use of force continuum annually during use of force training.*



*A Use of Force Report will be completed whenever an officer:*

- *Takes an action that results in, or is alleged to have resulted in, the injury or death of another person.*
- *Applies force through the use of lethal or less lethal weapons*
- *Applies physical force to the person of another*
- *Discharges a firearm*
- *Forced entry into secured building*

*Section 7.1*

# Use of force guidelines

1.1.1. The Fourth Amendment “reasonableness” inquiry is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make *split-second decisions* about the use of force necessary in a particular situation.

1.1.3. An officer is expected to subject himself to reasonable risk during the performance of his duties. It is an understood condition of this particular employment. However, an officer is not expected or required to subject himself to unreasonable risk.



# Law Enforcement Support Office (LESO) 1033 Program

- Began in 1990 under President George H.W. Bush as a means to provide surplus military property (supplies and equipment) to state and local law enforcement agencies.
- SPD first procurement of equipment from this program was four sets of binoculars in 1993.
- The most items we received at any one time was 16 Vietnam era M-16 rifles in 1998.
- Our armored personnel carrier (APC) was received in 2012. (Cost?)
- Prior to 2020, all equipment except for the APC have been returned to the government.





# WHAT IS THE PURPOSE OF APC'S IN AMERICAN LAW ENFORCEMENT?

- Protection from gunfire for both civilians and law enforcement
- Provides distance between suspect and police
- Allows for safe communication between negotiator and suspect
- Provides mobile cover
- Psychological Factor



# FERGUSON, MISSOURI ON AUGUST 10, 2014



Lenco Bearcat APC

The militarization of the American police, and the 1033 program specifically, began attracting wider scrutiny in 2014, after the Black Lives Matter protests in Ferguson, Missouri.





# CITIZEN CONCERNS – DOES SALINA NEED AN APC AND WHEN IS IT USED?

- Only used when potential for an armed encounter is elevated
- Chief of Police has overall approval of its use. (10 years of SWAT experience)
- In 2019, it was used five times, all for narcotics related search warrants with suspects having known violent criminal history and/or weapons being present
- Enhances citizen and officer safety during high risk operations
- Similar to the SFD having specialty vehicles such as their HAZMAT vehicle.

**There were 45,022 calls for service received by the SPD in 2019, this usage of our APC five times represents .01%.**



*“Better to have the APC and not need it then to not have it and need it.” Chief Brad L. Nelson*



# An APC is not a tank...



SPD PUMA APC



M1 Abrams Tank



# 2017-present Overall Use of our APC



Placed in service on 49 occasions:

- 21 times for Law Enforcement operations
- 15 times for training purposes
- 12 times for public relations events





# True Value Car show & 99KG Back to School Event





# CURRENT HIRING & TRAINING PRACTICES

The current number of qualified applicants even interested in career in law enforcement is at an all time low.

Across the country, 86 percent of police departments are dealing with an officer shortage. Half of those departments report the shortage has gotten worse in the last five years. There are a myriad of reasons for decreased interest in the law enforcement field.

- A loss of community trust and law enforcement legitimacy
- Social media perpetuating the belief that all cops are bad
- Recent controversial events and public perception of police officers have also played a role in the shortage
- Veterans- which we tend to have apply to be law enforcement officers--are now being offered private contracting jobs, paying higher wages than a government job

Source: <https://www.thedenverchannel.com/news/national-politics/the-race-2020/police-departments-across-the-u-s-are-battling-an-officer-shortage> March - 2020

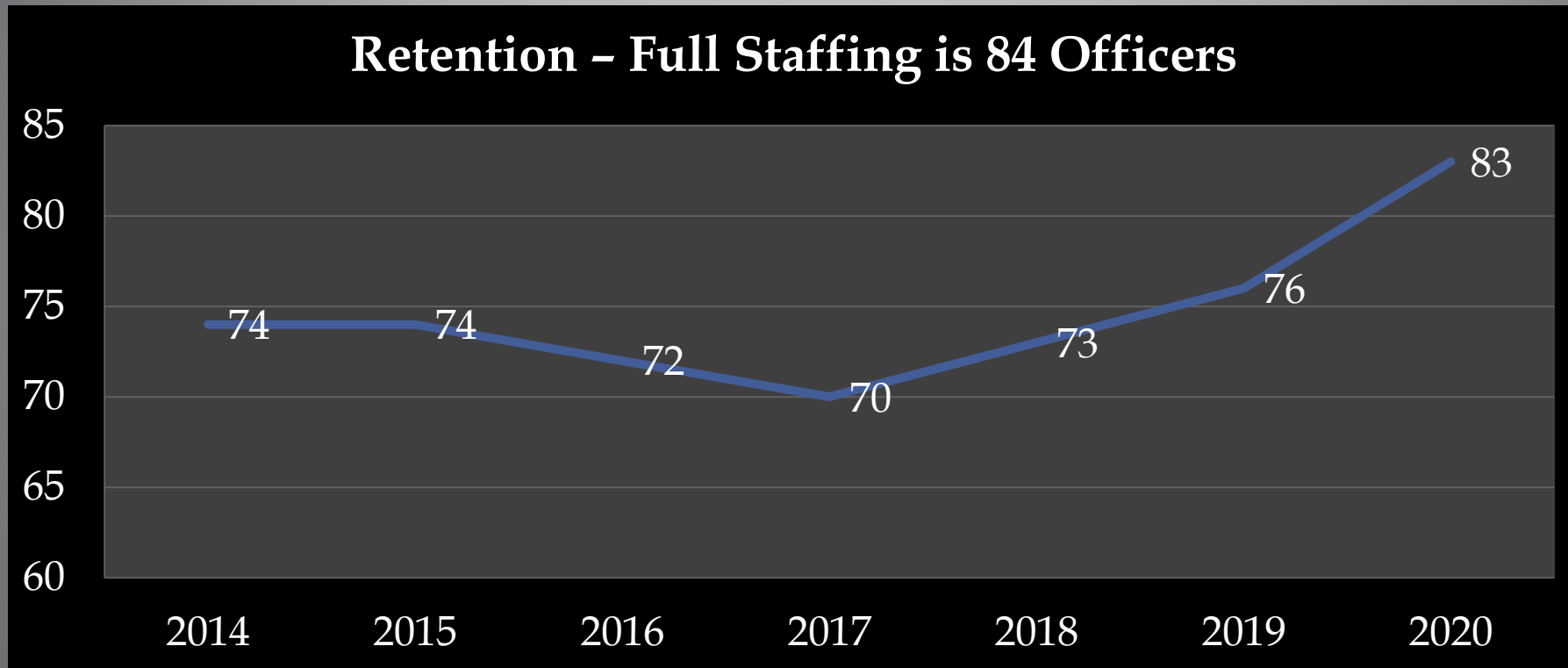
# Present SPD Hiring Process

- Hiring process for applicants begins with a written test
- This test does not require previous knowledge of or experience in law enforcement
- 1<sup>st</sup> Contact Interview
- Initial questionnaire pertaining to arrests, convictions, and drug use
- 17-page Personal History Statement consisting of 226 questions
- Staff Interview
- Extensive Background investigation
- Computer Voice Stress Analysis (CVSA)
- Interview w/ Chief
- Conditional Offer is made
- Psychological test
- Physical Exam
- Drug Screening



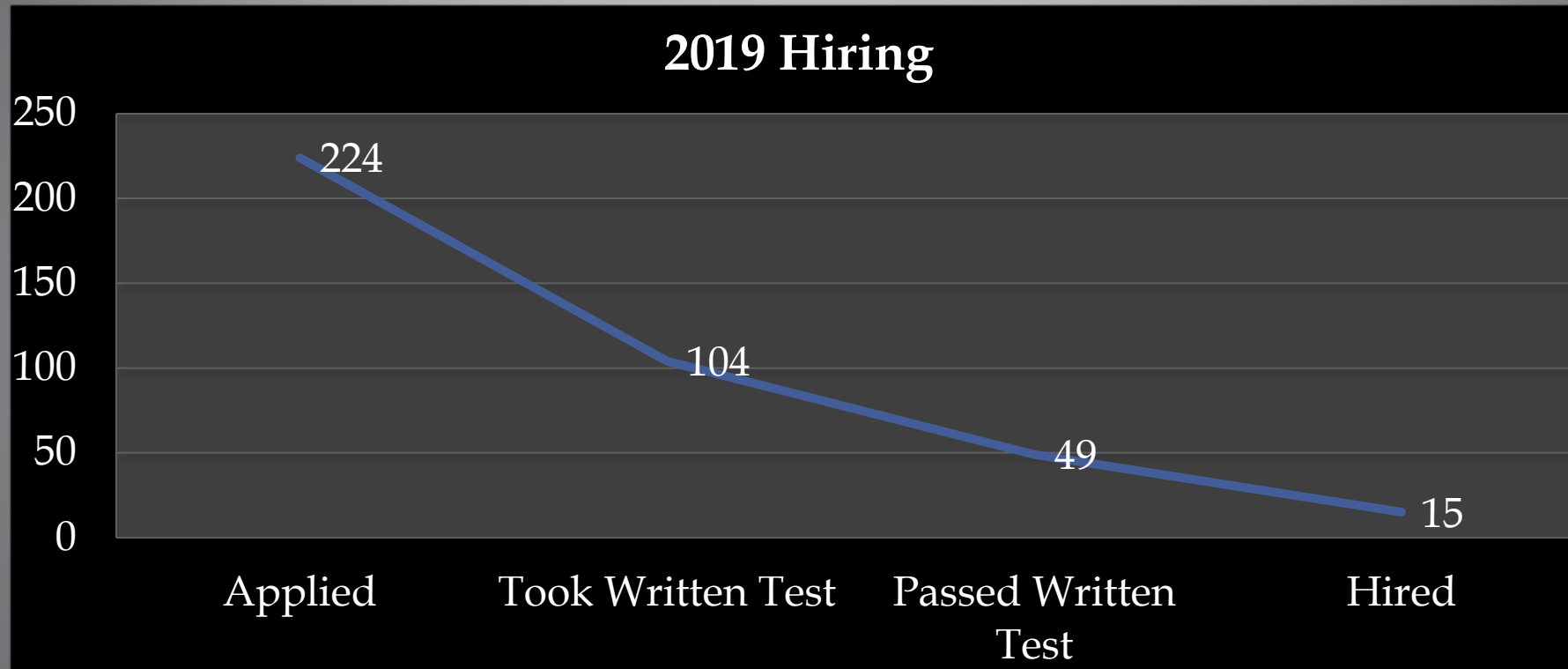
# Retention trends

## 2014-2020





# Hiring rate



- 54% failed to show up for written test after applying
- Of those who took written test, 47% passed
- 14% of those were eventually hired



The Kansas Commission on Peace Officers' Standards and Training (KS-POST) approves the basic core training curriculum for all Kansas law enforcement officers and grant certification to all Kansas full and part-time officers who meet the prerequisites for certification.

Once hired by the SPD, all recruits are sent to the Kansas Law Enforcement Training Center (KLETC) and attend 14-weeks (560 hours) basic law enforcement training.

Successful completion of the KLETC is just the beginning. Recruits then attend two-weeks of orientation training at SPD and 15-weeks of Field Training prior to working solo on an assigned shift.

# Training – Ongoing For Length of Career

KS-CPOST requires 40-hours of law enforcement education or training annually in subjects relating directly to law enforcement.

In addition, the following are mandatory additional training each officer receives annually:

- Active Shooter
- Biased Policing
- Blood Borne Pathogens
- Domestic Violence
- Hazardous Materials
- Mental Health Refresher
- Pursuit Driving





# Training – Ongoing For Length of Career



On at least an annual basis, each officer shall receive in-service training on the Department's use of force directives, and shall be required to demonstrate proficiency with any approved (lethal or non-lethal) weapon that the officer is authorized to use.

Source: General Order 02102 – Use of Force

# SALINE COUNTY/SPD CITIZENS ACADEMY

The goal of the Citizens' Police Academy is to provide members of the community with an inside look at the various units of the Police Department and the Sheriff's office, to help create better understanding and communication between citizens and police through education.

Participants tour the jail, the Police Department and the Sheriff's Office. Academy participants also have an opportunity to ride with patrol officers.

